

# GREEN TOWNSHIP LAND USE BOARD MINUTES

REGULAR MEETING, September 12, 2019

**CALL TO ORDER:** The September 12, 2019 Regular meeting of the Land Use Board was called to order by Mr. Scott Holzhauser, Chairman, at 7:02pm. He then led everyone in the PLEDGE OF ALLIGIANCE.

Recitation of the OPEN PUBLIC MEETING STATEMENT by Mr. Holzhauser.

**ROLL CALL:** Present: Mr. Joe Cercone, Mr. Jim DeYoung, Mr. John Lynch, Mr. Watson Perigo, Mr. Jeff Wilson, Mr. Rick Wilson and Mr. Scott Holzhauser

Also present: Mr. David Brady, Board Attorney and Mr. Cory Stoner (arrived 7:04), Board Engineer, Kim Mantz, Land Use Board Secretary.

Members Absent: Ms. Rosa Alves, Mr. Jim Chirip, Mr. Dan Conkling, Mrs. Sharon Mullen and Mr. Michael Muller.

Motion was made to excuse the absent members by Mr. Perigo and seconded by Mr. J. Wilson.

No Discussion. All in Favor. Motion Carried.

## **MOTION TO APPROVE MINUTES:**

Land Use Board Minutes of June 13, 2019.

Mr. R. Wilson motioned to approve minutes with a correction and it was seconded by Mr. Cercone.

No Discussion. All Ayes for those eligible to vote. Abstentions: none

## **RESOLUTIONS:**

Application: LU#1903

Owner/Applicant: Louis Tommaso

Block 19 Lot 7– 143 Creek Road, Andover, NJ 07821

Update on the Status: Mr. Brady stated he ran into Mr. Tommaso and he will be having surgery in the next few weeks so he will be taking care of any issues with the application while he recovers. We will continue to carry this resolution until the issue is resolved.

## **NEW BUSINESS:**

Application: LU#1906

Owner/Applicant: Pequest 201 LLC

Block 22 Lot 20 – 289 Pequest, Andover, NJ 07821

Megan Ward, Attorney for the Applicant began with a brief explanation of where the property was located off Phillips Road. This property is behind block 22 lot 2.01 and lot 2.02 which is owned by applicant. The proposed addition of land is currently used for agricultural purposes.

Mr. Allen Campbell, engineer for the applicant, was sworn in by Mr. Brady.

Mr. Campbell presented Exhibit 1-A, a highlighted version of sheet 1 of 2, titled “Pequest 201 LLC Agricultural Division” with a date of July 2019. The subject property is lot 20 in block 22 owned by Sand Spring Properties (SSP) and the western portion is highlighted in yellow. Lot 20 is currently 77.6 acres. There road access via lot 13, which is also owned by SSP, off Phillips Road to get back to lot 20. Lot 20 is divided by the Kymer Brook/Pequest River, this makes for a natural division of the property. There is approximately 11 acres on the east side of the stream/river

which borders the applicant's property. There is an existing right-of-way (since the 1980's) through lot 2.01 to get to the portion on the east side of the river.

This proposed division of land would keep what is west of the stream the existing lot 20 and what is east of the stream would be transferred to the Rodriguez Family for agricultural purposes. It becomes an independent agricultural piece which would eventually become in common ownership with the adjoining properties. This land would be used for growing flowers and vegetables to be used in the wedding ceremonies and receptions.

After the agricultural division is approved the applicant will then apply for the vacation of the Springdale-Allamuchy Road right-of-way which is approximately 1.4 acres. After the vacation then the lots will be merged however the applicant sees fit.

Exhibit A-2 was submitted as sheet 2 titled "Agricultural Division Detail" for Pequest 201, LLC dated July 2019 which is a larger version of the proposed agricultural division.

Exhibit A-3 was submitted as "Agricultural Division Detail" for Pequest 201, LLC dated July 2019 to show the proposed lot line adjustments after the vacation of the Springdale-Allamuchy Road. Half the upper part of the vacated road will go to lot 2.02 and the remaining portion would go to lot 2.01 which would end up around 15 acres. This will allow for more development on Lot 2.01, but it will only be south of the old right-of-way.

Ms. Ward stated the applicant understands any change in the future requires an application to the Board.

Mrs. Rodriguez currently has a contract with SSP to purchase this property.

Mr. Stoner commented there should be a deed restriction that states it should always be used for agricultural purposes. Mr. Brady disagrees. He believes it should be done now but if after the joining of the lots it becomes part and parcel of lot 2.01. The applicant would then have to come back to the Board for a site plan for any type of development. Mr. Brady stated there was no restriction of the front portion of lot 2.01 for development. Ms. Ward explained the zone boundary cuts right through where the lots would be merged. Mr. Brady will figure out the language for the resolution.

Mr. Cercone asked what the applicant would like to grow the new lot. Mr. Campbell explained it would be used for vegetables and flowers for the business. Mr. Cercone also asked about any products being sold for retail from the property. Mr. Campbell said he did not know the applicant's intention but because it was agricultural, they could do something like set up along the side of the road with the "honor jar" type stand.

Mr. Holzhauer asked Mrs. Rodriguez if she currently had any assessed farmland. She does not at this time but is looking to expand the area she grows her flowers in. She explained she is to acquire this land is for many reasons including allowing her guests to take photos by the river without anyone else being nearby to disturb them.

Mr. Holzhauer opened the public comment but there no one present. He then closed the public comment.

A motion was made to approve the agricultural subdivision subject to conditions discussed by Mr. Perigo and seconded by Mr. J. Wilson.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mr. Perigo, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauer All Ayes. No Discussion. Motion Carried. Abstentions: none

Application LU#1906 ended at 7:33pm.

Kim brought up the notice sent from Dolan and Dolan and explained that Mr. Campbell is the engineer on the project being done in Andover. Green Township received this notice because it is within 200 feet of the township line.

Mr. Campbell explained it is a simple lot line adjustment done between two of the Kirby farms in order to give one owner frontage on Huntsville Road. Previously, there was only road frontage one of the properties. No new lots are being created and no development is proposed. Years ago Huntsville Road was realigned and one lot lost road frontage they are now changing the lot lines to get it back.

**Continued NEW BUSINESS:**

Adopted Ordinance 2019-10 – To Permit Medical Marijuana Growing, Production and Manufacturing as a conditionally permitted use in the AI-10 Zone.

Mr. Brady stated there was an ordinance subcommittee (OSC) meeting to discuss the Medical Marijuana Ordinance that was introduced by the Township Committee (TC). Mr. Brady sent a letter with 16 different concerns/recommendations determined by the subcommittee to the TC. The ordinance was adopted without considering any of the recommendations except changing the words Medical Cannabis to Medical Marijuana. The TC stated they would like the entire Land Use Board to discuss this instead of just a few members.

Mr. Cercone questioned the security surrounding a grow facility and the OSC said they looked extensively into security and feel their recommendations are more than adequate since medical marijuana is grown in an industrial building not green houses or open fields. Mr. J. Wilson stated one of the recommendations was to have a security plan as part of the submitted site plan so the Board would have an opportunity to look at the proposed security measures.

Mr. Cercone asked if there was anything in the MLUL about the security measures for growing Medical Marijuana. Mr. Holzhauser explained answer is no since this is “uncharted territory” and that we wanted to be ahead of it so we are prepared when we do see an application for it.

Mr. DeYoung asked if there was any risk because there are certain measures imposed on this specific crop as opposed to others. Mr. Brady stated he thinks everyone understands the issues that may arise out of this type of industry and that the Board is not singling out any specific property just allowing the use.

A motion was made recommend to the TC that they review the adopted ordinance to permit Medical Marijuana Growing, Production and Manufacturing with the same comments of Mr. Brady’s July letter by Mr. J. Wilson and seconded by Mr. R. Wilson

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauser

All Ayes. No Discussion. Motion Carried. Abstentions: Mr. Perigo

**OLD BUSINESS:**

Draft ECHO Ordinance:

Mr. Brady drafted a letter to the TC about the recommendations by the ordinance subcommittee for the ECHO ordinance.

Mr. Holzhauser wanted to go through the letter before it is sent to the TC for review.

ECHO stands for Elder Cottage Housing Opportunity.

Mr. Brady explained the idea behind ECHO was to have elderly parents or disabled (Mr. Brady is still working on the definition of disabled) family members close without having them live inside your house.

1. The housing should be temporary and can be removed after the need is no longer there.
2. The OSC suggested the age be changed from 55 to 65 years of age because people are living and working longer.
3. It is listed as a conditional use so anyone in need of this housing would have to come before the Board and not just obtain a simple permit.
4. The definition of immediate relative was changed to recognize modern family situations.

5. The OSC suggested changing any hired caregivers to vacate the premises after the need is no longer there in 45 days not 90 days. If it is a spouse, then the recommendation is 6 months.
6. No more than two people living in the unit since it cannot exceed 720 square feet.
7. The draft ordinance states a letter would be written each year, so it is recommended that an affidavit and an inspection by the zoning officer to confirm the ECHO is still being utilized. The zoning officer would then issue a "certificate" that states the person is still living there. There would be a fee of \$500 for this process. The Board believes, although this may seem like a large amount of money, there are huge savings by not putting their loved one in a nursing home.
8. A recommended fee of \$1500 for escrow for the professionals to look at an ECHO application.
9. Everyone within 200 feet should be noticed with each application.
10. Rear yard is the preferred location, side yard could work depending on lot shape but never in the front yard.
11. There will not be any additional driveways or larger parking areas and only one car allowed per unit.
12. The unit is allowed steps, ramps, walkways to the unit and a small, at grade patio (360 sq. ft. max).
13. Septic and well must meet health department requirements. All utilities will be pulled from the main house and will be underground.
14. Leave out that it can be relocated within the township.
15. A requirement of signage or a house number. The unit would not get its own house number, but something should state there is an ECHO unit on site for emergency services.
16. More than one acre of land per house and ECHO unit. Cannot be placed on anything land smaller than one acre.

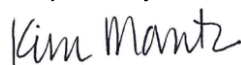
A motion was made to authorize Mr. Brady to send the comments on the draft ECHO ordinance to the TC by Mr. Perigo and seconded by Mr. J. Wilson.

Roll Call Vote: Mr. Cercone, Mr. DeYoung, Mr. Lynch, Mr. Perigo, Mr. J. Wilson, Mr. R. Wilson and Mr. Holzhauser  
All Ayes. No Discussion. Motion Carried. Abstentions:

- **ATTORNEY'S REPORT** – none
- **CHAIRMAN'S REPORT** – none
- **CORRESPONDENCE** – none
- **SECRETARY'S REPORT** – Kim explained the letter received by Mr. Scott Lewis from Clean Power Partners and the response given by Mr. David Diehl, zoning officer. Mr. Diehl recommended this Battery Storage System be taken before the Land Use Board. It is unclear whether it will be submitted as an application at this time. Kim spoke about the Best Version Media questionnaire and if anyone on the Board would like to fill one out. She also asked if any one of the Board members would be willing to be in the dunk tank on Green Township Day.
- **PROFESSIONALS REPORT** – none

A Motion was made by Mr. Perigo to adjourn the meeting at 8:16pm and seconded by Mr. J. Wilson.  
All Ayes. No Discussion. Motion Carried. Abstentions: none

Respectfully Submitted:



Kim Mantz, Land Use Board Secretary

Date approved: October 10, 2019